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May 25 2010

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Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

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May 24, 2010

VIA FACSIMILE AND U. S. MAIL

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

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Clerk of Supreme Court
State of Montana

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Clerk of the Supreme Court
Supreme Court of the State of Montana
215 North Sanders--Room 323
P.O. Box 203003
Helena, Montana 59620-3003

RE: Appointment as mediator
Gregory Ternes v. State Farm Fire and Casualty, et al.
Cause No.: DA 10-0206

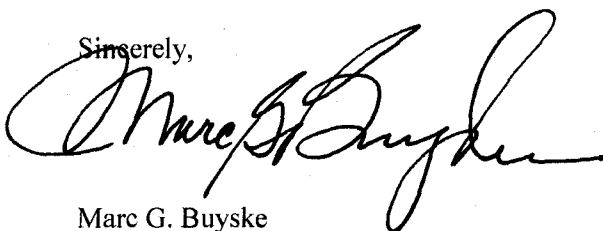
Dear Mr. Smith:

On May 20, 2010 I received a copy of the Order appointing me as mediator in the above matter. The notice of appeal in this matter was filed on April 23, 2010, and, given the time limitation in Rule 7(3)(a), Montana Rules of Appellate Procedure, the mediation must be completed by July 7, 2010.

Unfortunately, my schedule between now and then, considering practice and personal commitments, does not give me time to complete this appointment. I therefore ask that you reassign this mediation to another mediator so the parties can complete mediation in a timely manner.

Thank you for your consideration.

Sincerely,



Marc G. Buyske
Senior Counsel

cc: Bradley J. Luck, Garlington Lohn & Robinson, PLLP
Quentin Rhoades, Sullivan, Tabaracci & Rhoades, P.C.
Robert Terrazas, Terrazas Law Offices

PL 50543